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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/870,952	05/30/2001	Casey R. Winkel	42390P10942	9124

8791 7590 10/02/2002

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EXAMINER

WOJCIECHOWICZ, EDWARD JOSEPH

ART UNIT	PAPER NUMBER
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2815

DATE MAILED: 10/02/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/870,952

Applicant(s)

Winkle et al

Examiner

Edward Wojciechowicz

Art Unit

2815



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 3 6) ☐ Other:

Art Unit: 2503

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 5, 6, 10, 11, 14, 15, 16, 19, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by McIntyre. As seen in Fig. 2 of McIntyre, and discussed at col. 2, l. 14-15, the reference device shows a heat dissipation device comprising a base (28) having fins extending therefrom, a spring clip channel (34), and a load centering mechanism (screw 42 and indent 38) within the spring clip channel and integrally associated with the first base surface, as claimed. The indent (38) can also be considered a depression defined in the base, and this depression is formed by milling away a portion of the channel. The reference also shows a microelectronic device (26) in thermal contact with the heat dissipation device, as claimed.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2503

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over McIntyre, discussed above, and further in view of Jones and applicants' admitted prior art, shown in the cited prior art to Jordan et al, and illustrated in applicants' prior art Figs. 4a and 4b. The inventive structure appears to reside in the formation of a groove between the heat sink fins which has a sloped side to direct the spring clip toward the bottom of the groove. The broad concept of centering the spring clip by means of a pedestal and sloped side is well known, as shown in Fig. 9 of Jones where heat sink retention protrusions (39) are formed to properly seat the clip (122). Element (39) is also formed proximate to one fin of the heat sink as claimed.

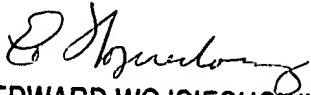
Further support for utilizing such a sloped configuration to seat the spring clip appears in Figs. 1 and 3 of the Jordan patent where Fig. 1 appears to show a beveling at the bottom of the grooves and Fig. 3 shows a curved configuration that is different from the adjacent grooves. *(Applicants themselves appear to show a beveled configuration (pedestal with slope) in their depiction of the center channel in prior art in Fig. 4a.)*

Taken together, since each of the cited references are concerned with avoiding uneven loading of the spring clip on the heat sink, one would be motivated to combine their features. Furthermore, Jones and Jordan et al would appear to provide additional motivation to those skilled in the art to bevel, or otherwise modify, the bottom of the groove holding the spring clip so

Art Unit: 2503

as to provide a self centering effect for the clip. Together, these references show all of the claim features.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward Wojciechowicz, whose telephone number is (703) 308-4898, or to SPE Eddie Lee, whose number is 703-308-1690.

  
EDWARD WOJCIECHOWICZ  
PRIMARY EXAMINER  
GROUP 2500

Edward Wojciechowicz:ew

September 30, 2002